IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 5460 of 2005

In

First Appeal No.1966 of 2003

Mohan Appasaheb Jadhav ..Applicant

V/s

Barshi Municipal Council ..Respondents

Shri S.D.Thokade for Petitioner

Nitin Jamdar for Respondent no.1

S.V.More, AGP for Respondent nos 2 and 3

CORAM:S.R.SATHE,J.

DATED:2nd March 2006

P.C.:-

1. Heard both the learned Advocates.

2. In the instant case the impugned award is stayed by this Court (Coram: R.S.Mohite,J) on 22-1-2004, in view of the statement made by the learned Advocate for the appellants that entire awarded amount has been deposited in the trial Court. However, now it transpires that amount of Rs.1,17,683/- is still to be paid by the Appellants as per award. Sufficient opportunity was

given to the Respondent - Municipal Council to file its say. However, the learned Advocate for the Respondent could not get necessary information and as such he did not file reply.

3. In view of the order passed on 22-1-2004 the Respondent - Municipal Council is directed to deposit the balance amount of Rs.1,17,683/- with interest thereon in the trial Court within period of 4 weeks from today, failing which stay to the impugned award shall automatically stand vacated.

4. If amount is deposited accordingly the applicant to withdraw the same on furnishing solvent security to the satisfaction of the trial Court.

(S.R.SATHE,J.)